



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,291	11/23/2001	Chui-Kuei Chiu	9585-0115	2387
73552 7590 12/05/2008 Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205				
EXAMINER				
WORKU, NEGUSSIE				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
12/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/990,291

Applicant(s)

CHIU, CHUI-KUEI

Examiner

NEGUSSIE WORKU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 23-28, 38 and 39 is/are allowed.
- 6) ☒ Claim(s) 15-22 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date 05/14/08.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In response to the non-final office action, dated September 15, 2008, further in view of applicant's amendments filed on 06/13/08, the application has been carefully reviewed and respectfully considered. Applicant's remarks with respect to claim 1, based on currently amended subject matter, as discussed in page 9 through 10, has been found persuasive, and the rejection to claim 1 and 29 has been withdrawn, and allowed. Claims 9-14, 23-28, has been indicated as having allowable subject matter in last office action, and therefore, claims 1-8, 9-14, 23-28, 38-40 are allowed.

However, the rejection to claims 15-22 and 33-37, has been maintained for the reasons, that claims are broad enough to read on the prior arts applied in the last Office action. Further, applicant's arguments with respect to claims 15-22 and 33-37, do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the claimed limitation avoids such references or objections.

Finally, applicant's arguments, specifically with claims 15 and 33, fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims

define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-22 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al., (USP 6,646,765), in view of Sasabe et al. (USP 3,928,719).

Regarding to claim 15, Barker et al. discloses a scanning method (fig 1), comprising: scanning a first document (scanning device 12, scan document 24 of fig 1) and storing said document into memory, (memory device 40 of fig 2); receiving a starting signal, (control circuit 34 of fig 1, controls a read out starting display signal 30 of fig 1, col.4, lines 5-15); displaying said first document (20 of fig 1).

Barker et al. dose not expressly teach scanning a next document substantially concurrently with the displaying of said first document scanning a next document substantially concurrently with the displaying of said first document, wherein said next document is not displayed while it is being scanned; and displaying a a scanning status of said next document while said first document is being displayed.

However, Sasabe et al. in the same area of document scanning and display method teaches scanning a next document substantially concurrently with the displaying of said first document scanning a next document substantially concurrently with the displaying of said first document, wherein said next document is not displayed while it is being scanned; and displaying a scanning status of said next document while said first document is being displayed, (an image film 85 obtained through a scanning of the film 85, may be displayed on display 81 of fig 8, concurrently, as discussed in col.5, lines 34-50).

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Barker et al. by the teaching of Sasabe (719) for the purpose of obtaining a perfect final image, by having the ability to perform a visual inspection of the document for all image of different color or resolution to be exactly superimpose according to user's preference, and also it would have help a user to reduce a time the might be wasted on step of separate processing of scanning and displaying of the image.

Regarding to claim 16, Barker et al. discloses the method (fig 1), further comprising a transmission device (scanner device 12 is a sheet-feed scanner) transmitting said document said scanner, see (col.3, line 47-49). 16.

Regarding to claim 17, Barker et al. discloses the method (fig 1), wherein said transmission device (sheet-feed device of scanner 12 of fig 1) is selected from the

group consisting of positive photograph holder, negative photograph holder, and an ADF (automatic document feeder), see (col.3, line 47-49).

Regarding to claim 18, Barker et al. discloses the method (fig 1), wherein said memory comprise buffer selected (memory is selected by CPU 46 of fig 2) from the group consisting of essentially ring buffer and ping-pong buffer, (memory 40 and 48, which is equivalent to applicant's disclosure structure as depicted at applicant's fig 2).

Regarding to claim 19, Barker et al. discloses the method (fig 1), wherein said memory comprises two memory buffer blocks (memory 40 and 48, which is equivalent to applicant's discloses structure as depicted at applicant's fig 2).

Regarding to claim 20, Barker et al. discloses the method (fig 1), further comprising a displaying a notify signal wherein displaying the notify signal includes receiving a notify signal ay a display switch (read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user, see (col.3, lines 57-58).

Regarding to claim 21, Barker et al. discloses the method (fig 1), wherein said notify signal comprises an image selected from the group consisting essentially of an arrow image, twinkling image and unlike color image, (read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user, see (col.3, lines 57-58).

Regarding to claim 22, Barker et al. discloses the method (fig 1), wherein displaying first document includes displaying said first document on a display device

wherein said display device comprise a peripheral is selected from the group consisting essentially of television, monitor, liquid crystal display and projector, (read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user, through LCD 30 of fig 1, monitor 20 of fig 1, see (col.3, lines 57-58).

Regarding to claim 33, Barker et al. discloses a scanning method (fig 1), comprising: scanning a first document (scanning device 12, scan document 24 of fig 1) and storing said document into memory (memory device 40 of fig 2); receiving a starting signal, (control circuit 34 of fig 1, controls a read out display 30 of fig 1, col.4, lines 5-15) displaying said first document (20 of fig 1);

Barker et al. dose not expressly teach and scanning a next document substantially concurrently with the displaying of said first document.

However, Sasabe et al. in the same area of document scanning and display method teaches scanning a next document substantially concurrently with the displaying of said first document, first document, wherein said next document is capable of being scanned without being displayed, (an image film 85 obtained through a scanning of the film 85, may be displayed on display 81 of fig 8, concurrently, as discussed in col.5, lines 34-50).

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Barker et al. by the teaching of Sasabe (719) for the purpose of obtaining a perfect final image, by having

the ability to perform a visual inspection of the document for all image of different color or resolution to be exactly superimpose according to user's preference, and also it would have help a user to reduce a time the might be wasted on step of separate processing of scanning and displaying of the image.

Regarding to claim 34, Barker et al. discloses the article (fig 1), further comprising transmitting said first document to said scanner (automatic document feeder, see col.3, line 47-49).

Regarding to claim 35, Barker et al. discloses the article (fig 1), wherein said memory comprises two or more memory buffer blocks (memory 40 and 48, which is equivalent to applicant's discloses structure as depicted at applicant's fig 2).

Regarding to claim 36, Barker et al. discloses the article (fig 1), further comprising displaying a notify signal, displaying a notification of availability for display of either of said first document or said next document, (control circuit 34 of fig 1, controls a read out on to display 20 of fig 1, col.4, lines 3-15).

Regarding to claim 37, Barker et al. discloses the article (fig 1), further comprising displaying a scanning condition of said next document together with said first document, (control circuit 34 of fig 1, controls a read out on to display 20 of fig 1, col.4, lines 3-15).

Allowable Subject Matter

4. Claims 1-14, 23-28 and 38-40 are allowed.

With respect to claims 1-8 and 38, the prior art searched and of record neither anticipates nor suggests a scanner adapted to scan a first document; a memory adapted to store image data corresponding to said first document; a signal control device adapted to generate a notify signal in response to said image data being stored in said memory; and a switch control device adapted to receive a first signal to display said document on a display device, and further adapted to request a transmission of a next document to be scanned so that said scanner has the capability to transmit said next document substantially concurrently with a displaying of said first document, wherein said the next document is not displayed on said display device unless the switch control device receives a second signal to display said next document.

With respect to claims 9-14 and 39, the prior art searched and of record neither anticipates nor suggests a scanner adapted to scan a first document; a transmission device adapted to transmit said first document to be scanned; a memory adapted to store image data corresponding to said first document; a signal control device adapted to produce one or more signals including a notify signal in response to the image data corresponding to said first document being stored in said memory; a display switch adapted to receive the notify signal and to display a notification of availability of said first

document on a display device; and a switch control device adapted to receive a starting signal to display said first document on said display device, and further adapted to notify said transmission device to transmit a second document to be scanned, wherein said display device adapted to display said first document while said second document is being scanned, and wherein said signal control device is further adapted to produce a scanning signal corresponding to a scanning status of said second document.

With respect to claims 23-28 and 40, the prior art searched and of record neither anticipates nor suggests 23-28 and 40, transmitting a first document to a scanner; scanning said first document and storing said first document to a memory; displaying a notification of availability on a display device to notify a user of an availability of said document for display on said display device; and utilizing a switch control device to receive a starting signal to display said first document on said display device, and further to notify said transmission device to transmit a second document into said scanner substantially concurrently with the displaying of said first document, wherein said second document is scanned and stored into said memory without being displayed on said display device.

With respect to claims 29-32, the prior art searched and of record neither anticipates nor suggests a scanner capable of scanning a first document and a second document; a switch operable so that a display of said ~ first document occurs concurrently with the scanning of said second document; and a display screen configured to display a scanning status of said second document while displaying said

first document, wherein said scanning status indicates an availability of said second document for display on said display screen, and wherein said second document is scanned without displaying said second document on said display screen.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Primary Examiner, Art Unit 2625